

REMARKS/ARGUMENTS

In parent case (09/651,949), the Examiner indicated that dependent claims 3, 4, 12 and 13 were allowable if rewritten in independent form. Applicants opted to rewrite claims 3, 4, 12 and 13 in independent form and to cancel all other claims for prosecution in a continuation. Applicants hereby resubmit the previously canceled claims for examination with a continuation application.

In the Office Action of May 22, 2003, the Examiner rejected claims 2, 5, 11, 14, and 19-23 as obvious over Garcia (U.S. Pat. No. 6,151,689) in view of one or more other patents. On the priority date of the present application (August 31, 2000), the Garcia patent was owned by the same entity (Compaq Computer Corp.) that owned the present application. See attached Certificate of Ownership and Merger merging Tandem Computers Incorporated into Compaq Computer Corporation executed December 22, 1998. Under 35 U.S.C. § 103(c):

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention as made, owned by the same person or subject to an obligation of assignment to the same person.

Garcia qualifies as prior art only under § 102(e) and thus, because of § 103(c), cannot be used as prior art in an obviousness analysis against the present claims.

The Examiner concluded that dependent claim 2 was obvious over Garcia in view of Braddy. Applicants have amended claim 1 to include the limitations from claim 2 thereby precluding the Examiner from using Garcia against claim 1. Accordingly, claim 2 has been canceled. None of the other art of record satisfies the teachings that the Examiner found relevant from Garcia. Claim 1 and all claims that depend from claim 1 thus are patentable over the art of record.

Applicants amended claim 1 in two other respects. First, the word "transmit" has been replaced with "transmitted" to correct an inadvertent typographical error. Further, the limitation "at least one of said processor coupled to at least one input/output device" has been removed as unnecessary to the patentability of claim 1.

Applicants amended independent claim 10 in a similar fashion to claim 1 by incorporating the limitations from dependent claim 11. The Examiner rejected claim 11 as obvious over Garcia in view of Braddy. As explained above, Garcia cannot be used as prior art against claim 10 and the remaining art of record does not satisfy the void created by Garcia's absence. Thus, claim 10 and all claims dependent therefrom are allowable.

The Examiner previously used Garcia in rejecting independent claims 19 and 23 as obvious. Because Garcia cannot be used in an obviousness attack of Applicants' claims, claims 19 and 23 and all claims that depend therefrom are allowable. Accordingly, claims 19 and 23 have not been amended to overcome the art of record.

Applicants have amended claim 23, however, to remove references to the labels "(a)" through "(d)" so as not to imply any particular order to the claim limitations. Further, Applicants added claim 24 to depend from claim 23. Claim 24 is patentable for at least the same reasons as claim 23.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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